

12/18/01

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JC892 U.S. PTO
12/14/01**UTILITY PATENT APPLICATION TRANSMITTAL**
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
BP0003-US

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTSBox Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Methods For Determining Organisms Not Requiring The Separation Of Fixative Or Excess Probe

and invented by:

Susan Rigby, Heather P. O'Keefe and Henrik StenderJC675 U.S. PTO
10/017445
12/14/01If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 27 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)

- a. ☒ Formal Number of Sheets 2
- b. ☐ Informal Number of Sheets _____

4. ☐ Oath or Declaration

- a. ☐ Newly executed (original or copy) ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (usable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche (Appendix)

7. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)

- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy (identical to computer copy)
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing

☐ First Class ☒ Express Mail (Specify Label No.): ET925895503US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

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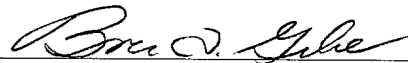
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	21	- 20 =	1	x \$18.00	\$18.00
Indep. Claims	2	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$728.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **02-3240** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$728.00** as filing fee.
 - ☒ Credit any overpayment.
 - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Dated: December 14, 2001

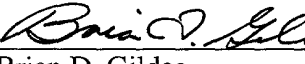
CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: Not Assigned
Filed: December 14, 2001
Title: Methods For Determining Organisms Not Requiring The Separation
Of Fixative Or Excess Probe
Applicants: Rigby et al.
Attorney Docket #: BP0003-US
Grp Art Unit: Not Assigned
Examiner: Not Assigned

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this United States Patent Application is being deposited with the United States Postal Service as Express Mail No. ET925895503US in an Express Mail envelope addressed to: Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231 on this 14th day of December, 2001.


Brian D. Gildea
Reg. No. 39,995

Commissioner for Patents

Dear Sir or Madam,

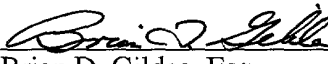
SEQUENCE LISTING 37 CFR 1.821

Enclosed herewith please find a paper copy of the Sequence Listing for the above identified patent application and a floppy disk containing the Sequence Listing in computer readable form.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 CFR 1.821(c) and (e) are the same.

Furthermore, I hereby state that the submission, filed in accordance with 37 CFR 1.821 (g), herein does not include new matter or go beyond the content of the disclosure

Respectfully submitted
on behalf of Applicants,


Brian D. Gildea, Esq.
Reg. No. 39,995